

## PLANNING DEPARTMENT

### MEMO

**DATE:** December 15, 2000

**TO:** Honorable Mayor and City Council

**FROM:** John Lettelleir, A.I.C.P. Director of Planning

**RE:** Amendment to the Masonry Requirement in Residential Districts

**xc:** George Purefoy, City Manager  
Donnie Mayfield, Building Official  
Doug Mousel, Planner II

Attached is the ordinance that now requires 100% masonry. This amendment will require the first floor to be 100%, whereas cementitious fiber board may constitute up to 50% of the 100% masonry content of stories other than the first story. This proposal prohibits wood, masonite and vinyl materials.

This proposal would also allow cementitious fiberboard materials for an accessory building or building expansion if the main structure is constructed of wood for a compatible appearance. This condition was agreed to at the September 2000 joint work session between the City Council and the Planning & Zoning Commission.

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01, ARTICLE II, SECTION 4.02; ARTICLE IV, SECTION 7.06; AND ARTICLE IV, SECTION 9.09(A); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Article II, Section 4.02; Article IV, Section 7.06; and Article IV, Section 9.09(A) of the City of Frisco, Texas' ("Frisco") Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Article II, Section 4.02 of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II, Section 4.02 of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

**MASONRY CONSTRUCTION** – Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and stucco for all structures. Other exterior construction materials for non-residential structures are tilt wall concrete panels, sealed and painted concrete block, and exterior insulation and finish systems ("EIFS").

SECTION 3: Amendment to Article IV, Section 7.06 of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article IV, Section 7.06 of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

**7.06 DETACHED GARAGE AND ACCESSORY BUILDING CONSTRUCTION**

- A. The exterior facades of a detached garage or other accessory building or structure in all zoning districts shall be constructed of the same exterior construction material of the main building or structure and at a minimum, the requirements which meet or exceed Article IV, Section 9.09. Cementitious fiber board may be used to fulfill masonry requirements for an accessory building or structure of two hundred (200) square feet or less in a single-family or two-family district.
- B. Metal or wood may be used as an exterior construction material for an accessory building or structure of one hundred twenty (120) square feet or less in a single-family or two-family district.
- C. Cementitious fiber board may be used to fulfill masonry requirements for structures accessory to an existing structure constructed of wood or vinyl siding.

SECTION 4: Amendment to Article IV, Section 9.09(A) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article IV, Section 9.09(A) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

**9.09 EXTERIOR CONSTRUCTION OF MAIN BUILDINGS**

- A. The exterior facades of a main building or structure in the RE, SF-1, SF-2, SF-3, SF-4, SF-5, OTR, PH, 2F, and TH Districts shall be constructed of one hundred percent (100%) masonry, unless otherwise specified in Comprehensive Zoning Ordinance No. 00-11-01. Cementitious fiber board may constitute fifty percent (50%) of stories other than the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers of rear entry garages, columns, chimneys not part of an exterior wall, or other

architectural features approved by the Building Official. In the A District, a main building or structure may be constructed of wood or an equivalent material.

SECTION 5: Penalty Provision: Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Savings/Repealing Clause: Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 7: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this \_\_\_\_ day of \_\_\_\_\_ 2001.

\_\_\_\_\_  
KATHLEEN A. SEEL, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

\_\_\_\_\_  
NAN PARKER  
City Secretary

\_\_\_\_\_  
ABERNATHY, ROEDER, BOYD & JOPLIN,  
P.C.  
RICHARD M. ABERNATHY  
City Attorneys

DATE OF PUBLICATION: \_\_\_\_\_, *Frisco Enterprise*